

Applicant : Mark Christopher Doyle
Appl. No. : 10/062,683
Examiner : Ann Y. Lam
Docket No. : 706737.33

REMARKS

Reconsideration of this application is requested.

By the present amendment, Claims 1 through 9 are cancelled.

Claim 10 has been amended to further define the radial element, and Claim 15 has been amended to change its dependency to obviate the Section 112 issue raised by the Examiner.

Claims 21 through 29 are withdrawn.

It is respectfully submitted that the present Claims 10 through 20 clearly define over the cited art. A review of the cited Hutson patent reveals that the items 106, 108 relied upon by the Examiner are opposed flexible clips extending axially from end 110 of the barrel 52 adjacent plunger 54 for snapping into engagement with the flange 60 and securing the inner cylindrical sheath 102 and thus the remaining components of the shield assembly 100 in place upon the syringe 50. These clips 106/108 do not comprise a collar, nor do they contact "an inside surface of the body" within which the syringe is disposed "for preventing substantial lateral movement of the syringe within the cavity" in the body. There is no similar nor like structure and function of the clips 106, 108 with regard to the language of the present claims. Furthermore, there is no teaching of the collar being either an annular collar or a "C" shaped collar as claimed.

Applicant : Mark Christopher Doyle
Appl. No. : 10/062,683
Examiner : Ann Y. Lam
Docket No. : 706737.33

Furthermore, new Claim 30 which is patterned after Claim 10 but which defines the radial elements as comprising a plurality of tabs (note for example Fig 14) is not taught nor made obvious by the cited Hutson patent. The plurality of tabs defined in Claim 30 contact an inside surface of the body for preventing substantial lateral movement of the syringe within the cavity, and there is no like or equivalent structure disclosed in Hutson.

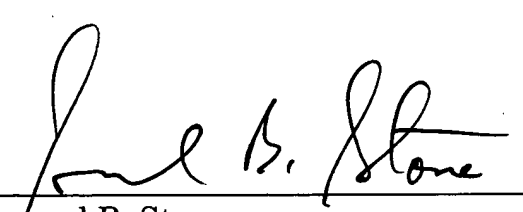
Additionally, it is respectfully submitted that the combination of Hutson in view of Nathan proposed by the Examiner with regard to Claims 13 and 14, is not a valid one, particularly in view of the substantial deficiencies in the teachings of Hutson.

In view of the foregoing, favorable reconsideration of this application and a Notice of Allowance is earnestly solicited.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE
LLP

Dated: August 19, 2004

By: _____


Samuel B. Stone
Reg. No. 19,297

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-852-7790 (direct)
Fax: 949-567-6710